IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 1811 of 1996

Between:

G.V. Satyanarayana Rao,

S/o Appa Rao, Postal Complex,

Near Naidu Cheruvu, SALUR,

Vizianagaram District

..... PETITIONER

AND

1. The Industrial Tribunal cum

Labour Court, Visakhapatnam.

2. The Branch Manager,

Girijan Cooperative Corporation,

Salur, Vizianagaram District.

3. The Divisional Manager,

Girijan Cooperative Corporation,

Parvathipuram.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records pertaining to award dated 31.8.95 in I.D.178/90 as published in G.O.Rt.No.2507 dated 31.10.95 on the file of the first respondent and quash and set aside the same by issuing writ, order or direction more particularly one in the nature of Writ of Certiorari and consequentially direct the second and third respondents to reinstate the petitioner into service with full back wages and continuity of service.

For the Petitioner: Mr. G. Ramgopal, Advocate

For the Respondents : Government Pleader for Labour for 1st respondent

Mr. R. Raghavendra Reddy, Advocate for respondents Nos.2 and 3.

The Court Made the Following :

:ORAL ORDER:

The unsuccessful workman is before this court assailing the award of the Industrial Tribunal-cum-Labour Court, Visakhapatnam, dated 31.8.1995 in ID No. 178/90 by which award the claim of the writ petitioner was negatived.

The petitioner filed the ID u/Sec. 2A(2) of the Industrial Disputes Act 1947 (for short 'the Act' challenging his termination from service w.e.f. 1.9.1984. He asserted that he joined the respondent-Management at Salur as a Helper on 1.4.1981 and was removed on 1.9.84 orally, without a charge sheet, without domestic enquiry and without any order of removal. Contending that his removal as above constitutes illegal retrenchment from service in subversion of the provisions of Sec.25F of the Act, he claimed a declaration of invalidity of the removal, reinstatement and continuity of service. The Management resisted the petitioner's claim and on the basis of Exs. M1 to M3 contended that he was in employment only during the months January, February and March 1982 that too on daily wages. The management also contended that the petitioner's work was utilised on temporary basis on daily wages and that he was, in any event on facts and law, disentitled to protection u/Sec. 25F of the Act.

The Tribunal declined to rely upon Ex.W1 presented by the petitioner in proof and substantiation of his claim to having worked during 1981 to 1984. Ex.W1 was a Xerox copy of a statement allegedly issued by the Workers' Union purporting to verify that the petitioner had worked with the Management for 3

years at Salur. As neither the original was filed nor any person examined to authenticate Ex.W1, the Labour Court declined to accept Ex.W1. The petitioner did not also call for the acquittance register from the Management for the period to substantiate his claim of having worked during that period. On cogent and rational analysis of the oral and documentary evidence on record, the Labour Court came to the conclusion that the petitioner failed to make out a case for invoking the benefits u/Sec. 25F of the Act and consequently rejected the relief sought.

This court finds no infirmity either in the application of law or exercise of discretion by the Labour Court, warranting interdiction of the Award dated 31.03.1995 in ID No. 178 of 1990. The writ petition is without merits and is accordingly dismissed. No costs.

02.09.2004 ----------

Justice G. Raghuram

To

1. The Industrial Tribunal cum

Labour Court, Visakhapatnam.

2. The Branch Manager,

Girijan Cooperative Corporation,

Salur, Vizianagaram District.

3. The Divisional Manager,

Girijan Cooperative Corporation,

Parvathipuram.

4. Government Pleader for Labour, High Court Buildings, Hyderabad. (OUT)

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